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## County of Los Angeles CHIEF EXECUTIVE OFFICE

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June 27, 2016

To: Supervisor Hilda L. Solis, Chair  
Supervisor Mark Ridley-Thomas  
Supervisor Sheila Kuehl  
Supervisor Don Knabe  
Supervisor Michael D. Antonovich

From: Sachi A. Hamai   
Chief Executive Officer

Board of Supervisors  
HILDA L. SOLIS  
First District

MARK RIDLEY-THOMAS  
Second District

SHEILA KUEHL  
Third District

DON KNABE  
Fourth District

MICHAEL D. ANTONOVICH  
Fifth District

**MOTION TO SEND A FIVE-SIGNATURE LETTER TO SENATORS FEINSTEIN AND BOXER REQUESTING THE SENATE ALLOW TIME TO WORK WITH THE COUNTY AND STAKEHOLDERS TO ADDRESS MAJOR CONCERNS WITH H.R. 5456, THE FAMILY FIRST PREVENTION SERVICES ACT (ITEM NO. 14, AGENDA OF JUNE 28, 2016)**

Item No. 14 on the June 28, 2016 Agenda is a motion by Supervisors Ridley-Thomas and Knabe to move that the Board of Supervisors send a five-signature letter to Senator Feinstein and Senator Boxer requesting that the Senate allow time to work with the County and stakeholders to help address major concerns with H.R. 5456, The Family First Prevention Services Act of 2016, including the need for flexibility, before the Senate considers such significant legislation impacting the County and the nation's most vulnerable children and youth.

**Support for this motion is consistent with the County's advocacy efforts on H.R. 5456 to address major concerns before considering the measure; and consistent with Board-approved policies in the County's Federal Legislative Agenda.**

### **H.R. 5456, The Family First Prevention Services Act of 2016**

On June 10, 2016, House Ways and Means Committee Chairman Kevin Brady (R-TX), Ranking Member Sander Levin (D-MI), Senate Finance Committee Chairman Orrin Hatch (R-UT), and Ranking Member Ron Wyden (D-OR) released the draft bill

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language for The Family First Prevention Services Act. The bill seeks to avoid unnecessary placement of foster care children and youth in congregate care (group homes), and enable more children and youth to live safely with their families through prevention and in-home family services, among other provisions.

The draft bill language, which was written in large part by the Senate Finance Committee, was introduced in the House of Representatives by Rep. Vern Buchanan (R-FL), as H.R. 5456 on June 13, 2016. The bill is cosponsored by 17 House members, including Representatives Linda Sanchez and Karen Bass. H.R. 5456 unanimously passed the House Ways and Means Committee with no amendments on June 15, 2016. The measure was soon considered on the House Floor on June 21, 2016, where it unanimously passed with no opportunity for amendments.

The Senate version of this measure (S. 3065) was introduced by Senate Finance Committee Chairman Hatch and Ranking Member Wyden on June 16, 2016 and referred to this committee. However, the House-passed bill (H.R. 5456) is the measure currently pending on the Senate Floor.

On June 23, 2016, H.R. 5456 was placed on the Senate Legislative Calendar for consideration by the Senate under unanimous consent, circumventing the Senate Finance Committee process. The measure could be considered before the Senate adjourns for the July 4<sup>th</sup> recess on June 30, 2016.

Both measures are supported by many organizations, including: Casey Family Programs; Children's Defense Fund; American Public Human Services Association; National Association of Public Child Welfare Administrators; Child Welfare League of America; Children's Advocacy Institute; Children's Hospital Association; Children's Leadership Council; Children's Rights; First Focus Campaign for Children; Human Rights Project for Girls (Rights4Girls); Juvenile Law Center; National Association of Social Workers; National Child Abuse Coalition; National Children's Alliance; National Family Preservation Network; and the National Foster Parent Association, among others.

The County has expressed significant concerns with the bill which are also shared by the: California Department of Social Services (CDSS); County Welfare Directors Association (CWDA); California State Association of Counties (CSAC); Public Counsel; Alliance for Children's Rights; Children Now; Social Change Partners; and the Association of Community Human Service Agencies, among others.

### **Concerns with H.R. 5456 and County Advocacy**

H.R. 5456 contains a number of provisions that will significantly restrict Los Angeles County's ability to effectively serve abused and neglected children and foster youth population served by the Department of Children and Family Services and the Probation Department. Specifically, the concerning provisions include:

- Imposing new out-of-home-placement requirements which are overly prescriptive that would greatly hinder California and the County's efforts to implement Continuum of Care reforms under AB 403 (Chapter 773, Statutes of 2015), which seek to reduce congregate care usage. The provisions of AB 403 will take effect on January 1, 2017;
- Making the State's successful Transitional Housing Plus Program, which provides housing and services to support independent living for foster children age 16 and older, ineligible for Federal IV-E reimbursement;
- Eliminating Federal reimbursement for foster children with special needs if assessments of the appropriateness of a congregate care placement cannot be completed within 30 days, or if courts do not approve the placement within 60 days, which are unrealistically short time frames; and
- Imposing costly requirements, such as requiring on-site licensed nurses during business hours in Qualified Residential Treatment Program (Q RTP) congregate care facilities and which will house as few as seven children; and limit Federal IV-E reimbursement for prevention and family services, such as substance abuse treatment and mental health services, to only 12 months, which is a short time period to provide effective services in many cases.

The bill also would allow Section 1130 waiver authority to expire on September 30, 2019, one day before the bill's new time-limited IV-E entitlement funding for prevention and family services and reforms of congregate care will take effect. The County currently participates in California's Title IV-E waiver, which has enabled participating counties to significantly reduce out-of-home placements, including group home placements, and enabled more children to live safely with their families through the provision of prevention and family services.

The potential impact of this measure is especially important to California, which administers child welfare services, and would be more affected than any other state or locality. California alone serves over 20 percent of all federally eligible foster children and receives an estimated 25 percent of Federal Title IV-E foster care funding. The

County alone receives more IV-E foster care expenditures than any other state and finances more non-federal foster care costs than any state government. Furthermore, California is the only state in which counties finance the entire non-federal share of foster care costs.

Consistent with Board-approved policies, the County has been actively advocating the above concerns with H.R. 5456 with the County's Congressional Delegation, and working with key stakeholders such as CDSS, CWDA, CSAC, and others.

**In addition, this office and the County's Washington advocates have been working closely with Senators Feinstein and Boxer's offices to request for the Senate to allow for additional time to address concerns before considering the measure.**

### **Conclusion**

**Support for this motion is consistent with the County's advocacy efforts on H.R. 5456 to request for the Senate to allow time to address the County's major concerns before considering the measure; and consistent with Board-approved policies in the County's Federal Legislative Agenda, including policies to oppose proposals which would reduce the County's or State's share of total funding, would finance increased spending for one program by cutting other programs of greater benefit to the County, or which would result in a net revenue loss or a cost shift to the County; and to oppose proposals that decrease state and local flexibility under Section 1115 waivers.**

We will continue to keep you advised.

SAH:JJ:MR  
OR:ma

c:     Executive Office, Board of Supervisors  
        County Counsel  
        Department of Children and Family Services